

REMARKS

1. Restriction

A. Grouping of Claims from the Office Action

In the Office Action, a restriction has been made to one of five groups of claims, which are as follows:

- I. Claims 1-14, 45-84, 93-99, 100-106 and 137-176;
- II. Claims 15-21 and 107-113;
- III. Claims 22-35 and 114-127;
- IV. Claims 36-44 and 128-136; and
- V. Claims 85-92 and 177-184.

B. Election With Traverse

Applicants provisionally elect the claims of group I, inclusive of claims 1-14, 45-84, 93-99, 100-106 and 137-176. The election is made with traverse for the reasons that follow.

C. Reasons for Election With Traverse

It is submitted that the claims of group V (claims 85-92 and 177-184) should be examined on the merits with the claims of group I.

The Examiner recognizes that the claims of group I are drawn to a method of tracking plural market makers. More specifically, the subject matter of the claims of group I involve tracking the collective and coactive activity of market makers during trading.

The claims of group V are similarly drawn. That is, the claims of group V also involve tracking the collective and coactive activity of market makers during trading. In claim 85, for example, the activity is tracked by starting with a set of symbols and a set of market makers. The set of symbols could be all symbols in a market or a user defined set of symbols, for example. Similarly, the set of market makers could be all market makers in a market or a user defined set of market makers, for example.

To track possible permutations, the analysis is made for each pair of one symbol from the set of symbols and one market maker from the set of market makers. The

analysis includes "generating at least one of a bid persistence statistic by approximating a percentage of a predetermined number trades for which the market maker had an inside bid price, and an ask persistence statistic by approximating a percentage of a predetermined number of trades for which the market maker has an inside ask price."

The inside bid price and the inside ask price are innately defined by the collective and coactive activity of all the market makers because these prices vary based on the highest bid from any of the market makers and the lowest ask from any of the market makers. Therefore, the claims of group V inherently are drawn to tracking activity involving plural market makers.

The Examiner states that the claims of group V are "drawn to a method of generating a pair of market maker symbols to track." As described above, this is not entirely accurate. It is true that for each symbol in the set of symbols, two values are generated for each market maker in the set of market makers. But those values are generated across all the pairs of symbols and market makers from the sets, and those values individually depend on the collective and coactive behavior of the market makers in the market.

Furthermore, the Examiner acknowledges that the claims of group I and the claims of group V are both classified in class 705, subclass 36r. Therefore, the burdens to search claims from both group I and group V are minimal.

Accordingly, examination of the claims of group I and group V is respectfully requested. A listing of claims is presented where the claims of groups I and V are indicated as being subject to examination and the claims of groups II, III, and IV are withdrawn.

2. Conclusion

The Examiner is invited to initiate a telephone interview with the undersigned representative to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0988, our Order No. CUTSP0104US.

Respectfully submitted,

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